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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,214	08/25/2003	Karl Allen Dierenbach		9036

7590 08/19/2005

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EXAMINER

PHAN, THANH S

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/646,214

Applicant(s)

DIERENBACH, KARL ALLEN

Examiner

Thanh S. Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,11-15 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11-15 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 9, 11, 12, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Heintz [US 3,466,312].

Regarding claims 1 and 9, Heintz discloses an apparatus for the display of time [figures 1-3], comprising: a clockwork [column 1, lines 36-37]; said clockwork having two coaxial output shafts [24, 28] driven at different angular rates; two drive wheels [26, 36], one drive wheel attaches to each of the said drive shafts; a first rigid member [15] with an inner annular surface which is suspended by the first of said drive wheels and has a demarcation to represent the hour, said first rigid member with hour demarcation in contact with said first drive wheel so as to rotate said first rigid member with hour demarcation at a different angular rate than said first drive wheel so that said first rigid member rotates through one complete revolution one every twelve hour allowing the hour to be interpreted using traditional clock interpretation means, said first rigid member being held in contact with said first drive wheel by the force of gravity; a second rigid member [17] with an annular surface which is suspended by the second of said drive wheels and has a demarcation to represent the minute of the hour, said second rigid member with minute demarcation in contact with said second drive wheel so as to

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rotate said second rigid member with minute demarcation at a different angular rate than said second drive wheel so that said second rigid member rotates through one complete revolution once every hour allowing the minute of the hour to be interpreted using traditional clock interpretation means, said second rigid member being held in contact with said first drive wheel by the force of gravity, wherein said second rigid member rotates about substantially the same rotational axis as said first rigid member [column 1, line 34 - column 3 line 16].

Regarding claims 3 and 11, Heintz discloses wherein the rigid members are substantially clear annular rings [the discs are transparent], wherein said first rigid member having an inner radius [not explicitly labeled] at least ten percent as large as the outer radius of said first rigid member, and said second rigid member having an inner radius at least ten percent as large as the outer radius of said second rigid member.

Regarding claim 20, the claimed invention is disclosed by Heintz in the above rejections.

Regarding claims 4, 12, 21 and 22, Heintz discloses wherein the rigid members are substantially clear annular rings [the discs are transparent] and a stationary third annular ring [14, disc 14 is mesh with gears which are freely rotatable from the clockwork gear, therefore it is stationary when not rotating] is mounted behind the clear annular rings wherein said third annular ring has demarcations used to aid in interpretation of the time of the day, wherein said first rigid member having an inner radius [not explicitly labeled] at least ten percent as large as the outer radius of said first

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rigid member, and said second rigid member having an inner radius [not explicitly labeled] at least ten percent as large as the outer radius of said second rigid member, and said stationary third annular ring having an inner radius [not explicitly labeled] at least ten percent as large as the outer radius of said stationary third annular ring.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heintz in view of Hartwig [US 3,668,858].

Regarding claims 5 and 13, Heintz discloses the claimed invention except for wherein the timepiece comprises a third shaft, a third wheel and a third rigid member for the indication of the second of the minute.

Hartwig teaches that it is known in a timepiece to have a third shaft, wheel and rigid members to assist the indication of time [figure 12].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Hartwig's teachings with the timepiece of Heintz for the purpose of precisely indicating time to the second of the minute.

Regarding claims 6 and 14, Heintz discloses the claimed invention except for the different diameter of the rigid members [discs].

Hartwig teaches wherein different discs configurations [sizes, diameters] are used in timepieces [figure 8].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use discs with different configurations for the purpose of easily assembling the timepiece and further aestheticizing the device.

Regarding claim 7, Heintz discloses the claimed invention except for the first rigid member [the hour demarcation] is farthest from the clockwork].

Hartwig discloses a timepiece wherein the hour demarcation is farthest from the clockwork [12].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the discs arrangement of Hartwig with Heintz for the purpose of time indication in the hour, minute and second sequence.

Regarding claim 15, Heintz discloses the claimed invention except for the two rigid members one is a disk and one is ring formation.

Hartwig teaches that it is known in a timepiece device to use rings and disks in relation with each other for indicating time [figure 12]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the design of Hartwig with Heintz to facilitate a more compacted looking device.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-7, 9, 11-15, 20-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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